

Proposed Ordinance: 0-15-20
Subject Matter: Amendments to Chapter 58, Article IV.
Date of Published Notice of Public Hearing: November 4, 2020
Date First Presented at Council Public Meeting: May 16, 2019
Date of Public Hearing Before City Council: November 19, 2020
Date of Second Reading and Adoption: December 17, 2020

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

**ORDINANCE NUMBER 0-15-20
CITY OF FAYETTEVILLE, GEORGIA**

PREAMBLE AND FINDINGS

WHEREAS, the City of Fayetteville (the “City”) has determined that Article IV. Tattooing of Chapter 58 – Health and Sanitation of the Code Ordinance was last amended on June 17, 1996 (Ord. No. 0-30-96); and

WHEREAS, the State of Georgia has adopted Senate Bills 461 (July 1, 2018) and 214 (July 1, 2019), both of which updated state regulations as they pertain to tattooing, body art, body artists and body art studios; and,

WHEREAS, in order to allow certain tattooing and body art services within the city limits, specifically microblading of the eyebrow, the current tattooing ordinance shall be amended; and,

WHEREAS, such services are regulated and licensed by the Georgia Department of Public Health and locally by the Fayette County Board of Health.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE THAT CHAPTER IV - TATTOOING WITHIN CHAPTER 58 – HEALTH AND SANITATION OF THE CODE OF ORDINANCES BE REPEALED IN ITS ENTIRETY AND REPLACED AS FOLLOWS:

ARTICLE ONE

ARTICLE IV. - TATTOOING, BODY ART AND BODY ARTISTS.

Sec. 58-96. – Purpose.

The purpose of this ordinance is to acknowledge and define the various forms of tattooing and body art; to establish regulations and requirements pertaining to tattooing and body art within the City of Fayetteville; to provide for penalties for violation of this article; to provide for an effective date; to provide for the repeal of conflicting ordinances; and for other purposes.

These body art studio and body artist rules and regulations are adopted for the purpose of establishing reasonable standards for individuals performing body art procedures and the facilities from which they are provided, with the intent to promote the health and safety of all individuals performing and receiving body art services within the city limits.

Sec. 58-97. - Definitions.

As used in this chapter, the term:

Board of health means the Fayette County Board of Health or its duly authorized representatives.

Body art means a tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes. Body art does not include practices that are considered medical procedures by the Georgia State Medical Board, which shall not be performed in a body art studio. Body art does not include the painting of the skin with tempura or temporary, non-indelible inks, paints, or dyes. Body art does not include piercing of the outer perimeter or lobe of the ear with pre-sterilized, single-use stud and clasp ear piercing systems.

Body art studio means any facility or building on a fixed foundation wherein a body artist performs body art.

Body art studio permit means the authorization granted by the board of health to the owner to operate a body art studio. Such permit is the property of the Fayette County Board of Health.

Body artist means any person who performs body art. Such term shall not include in its meaning any physician or osteopath licenses under Chapter 34 of Title 43, not shall it include any technician acting under the direct supervision of such licensed physician or osteopath, pursuant to subsection (1) of Code Section 16-5-71.

Body piercing means puncturing or penetration of the skin or mucosa of a person with any sharp instrument and/or the insertion of jewelry or other adornment thereto in the opening.

Cosmetic tattooing means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa. Cosmetic tattooing shall include permanent cosmetics, micro-pigmentation, permanent color technology, and micro-pigment implantation.

Microblading of the eyebrow means a form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld or machine powers tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.

Owner means the person, partnership, corporation, association, or any other form of business organization that owns, maintains, or controls a body art studio and who is responsible for the operation of the studio.

Tattoo means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. Such term includes cosmetic tattooing and microblading of the eyebrow.

Sec. 58-98. - Regulation.

Within the city limits of Fayetteville, body art shall be performed only by a physician duly licensed to practice medicine within the State of Georgia. This provision shall not apply to microblading of the eyebrow as long as this service is performed by a cosmetologist duly licensed to practice cosmetology within the State of Georgia, and in accordance with the provisions herein.

Sec. 58-99. - Operating requirements; permit required.

- (a) No body artist or cosmetologist performing microblading of the eyebrow shall operate within the corporate limits of the city outside of an approved body art or cosmetology studio.
- (b) No body art studio or cosmetology studio offering microblading of the eyebrow shall commence operation within the corporate limits of the city or obtain an occupational tax certificate from the city without first obtaining a body art studio permit from the board of health pursuant to state law (O.C.G.A. §§ 16-5-71, 16-12-5, 31-3-4, and O.C.G.A. tit. 31, chs. 5 and 40) and in accordance with the most recent rules and regulations, as adopted and amended, by the board of health.
- (c) No owner shall allow a body art studio or cosmetology studio offering microblading of the eyebrow to remain in operation if the board of health suspends or revokes said permit, until said permit has been reissued.

Sec. 58-100. - Operating requirements; permit required.

- (d) No body artist shall operate within the corporate limits of the city outside of an approved body art studio.
- (e) No body art studio shall commence operation within the corporate limits of the city or obtain an occupational tax certificate from the city without first obtaining a body art studio permit from the board of health pursuant to state law (O.C.G.A. §§ 16-5-71, 16-12-5, 31-3-4, and O.C.G.A. tit. 31, chs. 5 and 40) and in accordance with the most recent rules and regulations, as adopted and amended, by the board of health.
- (f) No owner shall allow a body art studio to remain in operation if the board of health suspends or revokes said permit, until said permit has been reissued.

Sec. 58-99. - License fee.

See article III of chapter 46.

Sec. 58-100. - Violations.

It shall be unlawful for any person to violate this article. Any person who violates this article may be tried before the municipal court of the City of Fayetteville and punished to the extent provided by the city's Charter.

Sec. 58-101. - Enforcement.

The responsibility for the issuance and revocation of body art studio permits and overall enforcement shall be vested in with the county health department. The provisions of this chapter may also be enforced by the city's police department and/or code enforcement staff.

ARTICLE TWO

This ordinance shall become immediately effective upon its second reading and adoption by the City Council.

ARTICLE THREE

The preamble of this ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

ARTICLE FOUR

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville ordinance.

SO RESOLVED, this 17th day of December, 2020.

Attest:

Edward J. Johnson, Jr., Mayor

Scott Stacy, Mayor Pro Tem

T. Joe Clark, Councilmember

Anne Barksdale, City Clerk

Richard J. Hoffman, Councilmember

Darryl Langford, Councilmember

Paul C. Oddo, Jr., Councilmember